

Application No. 10/099,827

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REMARKS

Claims 1-20 are pending in this application. No claims are cancelled. No claims have been amended. Claims 1, 12 and 17 are independent claims.

In an Office action dated December 27, 2005, it was noted that the remarks filed with the previous amendment were considered, but were deemed to be moot in view of the new grounds of rejection. Claims 1-11 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Weinberg et al. Claims 12-20 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Weinberg et al. in view of Duke et al. Applicants respectfully assert that Weinberg et al. does not anticipate, teach or suggest the claimed invention, even when modified in view of the teachings of Duke et al.

The problem addressed by Applicants and the invention claimed by Applicants are both fundamentally different than the problem addressed by Weinberg et al. and the solution to the problem identified in Weinberg et al. The two inventions may be used in combination, but one invention will not substitute for the other.

The problem addressed by the present invention is identified in paragraph [0004] on page 1 of the application as originally filed. While caching web documents at intermediary proxy servers provides benefits with respect to documents that are frequently requested, the concern is that satisfying requests at the intermediary proxy server adversely affects the ability of a web site administrator to accurately count the number of hits for the requested file.

The Office action cites Fig. 20 and column 29, lines 20-34, as describing the method of tracking hits for a network file. The cited portions describe accessing a "log file" and then creating a visual representation of the log file. That is, rather than monitoring Internet activity in order to detect hits, Weinberg et al. teaches a method of graphically representing the hits that previously occurred.

Reconsideration of the claims is requested.

A. Present Invention

Claim 1 describes a method of tracking hits for a network file. From the point of view of the requesting device (such as a personal computer of an individual), one step is to request a network file. Then, when the

network file is received, it includes an instruction to transmit an indicator. Subsequent to the receiving of the network file at the requesting device, the indicator is transmitted from the requesting device. This indicator is processed to track the hits for the network file.

In claim 12, the method is described exclusively with respect to the activity that is remote from the requesting client device. Firstly, executable code is embedded in each of a plurality of cacheable documents. The executable code includes an instruction triggering transmissions of count-inducing messages from the client devices. Secondly, the method includes sending the cacheable documents to client devices in response to requests. Subsequently, the count-inducing messages are received from the client devices as responses to execution of the executable code. The accesses to the cacheable documents are counted on the basis of receiving the count-inducing messages.

Claim 17 describes a system for tracking hits over the Internet. A plurality of network files is stored, with each network file having a command to initiate a transmission of an identifier from any of a plurality of client devices upon receipt of one of the network files by the client devices. Programming that is accessible via each of the client devices is configured to request the network files and to transmit the identifier upon reception of one of the network files. A "file access counter" is responsive to receiving the identifiers as the basis for counting transfers of the network files to the client devices.

B. Fig. 20 and Column 29 of Weinberg et al.

Fig. 20 and column 29 in the prior art patent relate to indicating prior activity. As shown in Fig. 20, the method is to "process log file to determine line activity levels." As described in column 27, line 66 to column 28, line 14, a standard web server commonly maintains a "server access log file" ("log file"). The log file includes information about accesses to the web site by users. The information normally within a log file includes: the path of the accessed URL, an identifier of the user, and the date and time of the access. "Each log file stored on a physical server typically represents some window of time, such as one month."

As described in column 29 of Weinberg et al., Fig. 20 shows the Action Tracker for detecting the link activity data (number of hits per link) from the log file which has already been retrieved. The process is applied line-by-line to the log file until all of the lines have been processed for the window of

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time, such as one month. As noted in column 29, lines 44-48, "Following the execution of this routine, the 'hits' attribute of each link represents an approximation (based on the above assumptions) of the number of times the link was traversed during the time frame represented by the log file."

C. Patentability of Claims 1-11

Conventionally, a log file of the type described in Weinberg et al. is updated as requests for a file are received. On the other hand, in the method described in claim 1, an indicator is processed to track hits for a network file. The indicator is transmitted in response to receiving the network file. Thus, the present invention diverges from the conventional wisdom in the art. The cited portion of column 29 and the cited Fig. 20 merely show how the log file is processed after a log file has the necessary information. Fig. 20 does not describe receiving a request for the network file, sending the network file to the requesting device so as to include an instruction to transmit an indicator subsequent to the requesting device receiving the network file, transmitting the indicator from the requesting device in response to receiving the network file, or processing the indicator that is transmitted from the requesting device in response to receiving the network file. Therefore, Weinberg et al. does not anticipate the claimed invention.

With respect to the claimed step of receiving a request for the network file, the Office action cites column 7, lines 1-20 in Weinberg et al. Applicants agree that HTTP is used for the exchange of information, such as client requests for documents, between a web browser and a web server.

With respect to the claimed step of sending the network file to the requesting device so as to include an instruction to transmit an indicator subsequent to the requesting device receiving the network file, the Office action cites column 6, lines 14-21 and column 15, line 58 to column 16, line 5 of Weinberg et al. In lines 14-21 in column 6, it is stated that a "content object" is a data entity that can be selectively retrieved from a web site. Each content object has a unique identifier (referred to as the "URL") which specifies the location of the object. In the context of the WWW, common types of content objects include HTML documents, sound files, video files, Java applets and aglets, and downloadable applications. Thus, the reference is not to an "HTML document with Java applets or instructions." Rather, the reference is to different content objects, where each has a unique identifier. Moreover, even if one were to inappropriately use hindsight in reading the

prior art, column 6 does not describe the use of Java applets or instructions to initiate transmissions of indicators from the requesting device, with the indicators then being processed to track hits for network files. Instead, column 6 in Weinberg et al. provides a generic reference to applets and aglets. Turning to the cited portion within columns 15 and 16, there is no description of sending the network file that includes an instruction to transmit an indicator subsequent to a requesting device receiving the network file. This cited portion of Weinberg et al. merely refers to tools for providing a mapping of accesses over a past period of time. Fig. 1 of Weinberg et al. shows such a map. The map does not include or suggest sending the network file to a requesting device in response to a request, with the network file including an instruction to transmit an indicator.

The third step of claim 1 is to transmit the Indicator from the requesting device in response to receiving the network file. The Office action identifies the "indicator" of Weinberg et al. as being the "link, URL." It is respectfully pointed out that the link, URL is a component of the request, not a transmission that occurs in response to receiving the requested network file. Without the link, URL, the request is meaningless.

The Office action also cites column 22, lines 29-38 of Weinberg et al. This portion of the patent refers to the Visual Web Display routine and the scanning of URLs within a web page having a variety of URLs. If additional URLs are added to the web page, the Visual Web Display routine is executed to update the display screen so as to show the additional URLs. The cited portion of column 22 does not anticipate the transmission of an indicator from a requesting device in response to receiving a previously requested network file at the requesting device.

Since the independent claim is not anticipated by the teachings of Weinberg et al., the dependent claims are not anticipated. Reconsideration of claim 1 in view of the remarks is requested.

D. Patentability of Claims 12-20

Claims 12-20 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Weinberg et al. in view of Duke et al. Claim 12 describes a step of embedding executable code in each of a plurality of cacheable documents, with the executable code including an instruction triggering transmissions of count-inducing messages from client devices. The Office action cites Fig. 20 and column 29 of Weinberg et al. as anticipating

this step. As described above, Fig. 20 describes the processing of a log file. The log file provides information about accesses to the web site by users (Weinberg et al.: column 27, line 66 and following). The log file provides data regarding accesses that have already occurred. The log file is not a cacheable document that is transmitted to client devices. Moreover, the log file does not include executable code that triggers transmissions of count-inducing messages from client devices. The Duke et al. patent was cited for its teachings regarding updating a tally. Since the log file that is processed by Weinberg et al. is the tally information, the modification of Weinberg et al. to include teachings of Duke et al. would not render the claimed invention obvious under Section 103(a).

Another step in claim 12 is to send the cacheable documents to the client devices in response to requests for the cacheable documents received from any one of a plurality of client devices. Then, the count-inducing messages are received after they are transmitted from the client devices as responses to execution of the executable code upon reception of the cacheable documents. Clearly, these are interconnected steps. However, the Office action cites column 21 for the first step and column 5 of Weinberg et al. for the second. Applicants respectfully assert that the distance of these two portions of the patent and the fact that the sequence is reversed as compared to the description of the claims evidence the absence of a *prima facie* case of obviousness with regard to the pending claims. Column 21 in Weinberg et al. does teach that cacheable documents are sent to client devices in response to requests. Similarly, the cited portion of column 5 teaches that cacheable documents are sent to requesting client devices and that the documents typically include control codes that specify how the document content is displayed by the application program. However, the control code for displaying content of the document is not related to including an instruction that triggers transmission of a count-inducing message upon reception of the cacheable document at the client device.

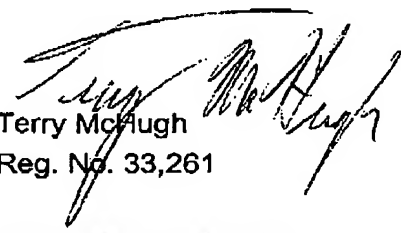
The Office action did not independently address the elements of independent claim 17. Rather, it was stated that claim 17 was rejected for the same rationale set forth with regard to claim 12. While there are differences between the two independent claims, the combination of Weinberg et al. and Duke et al. does not teach either the method of claim 12 or the system of claim 17.

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Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited. In the case that any issues regarding this application can be resolved expeditiously via a telephone conversation, Applicants invite the Examiner to call Terry McHugh at (650) 969-8458.

Respectfully submitted,



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